United States District Court Southern District of Texas

ENTERED

February 07, 2020 David J. Bradley, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

| TAMARA SLIPCHENKO, DAVID |) |
|--|--------------------------|
| "COWBOY" BOSWELL, and VALORIE | ,) |
| BARTON on behalf of themselves, |) |
| individually, and on behalf of all other |) |
| persons similarly situated, |) |
| |) |
| Plaintiffs, |) Case No. 4-11-cv-01465 |
| |) |
| VS. |) Judge Lee H. Rosenthal |
| |) |
| BRUNEL ENERGY, INC. and the |) |
| BRUNEL ENERGY CORP HEALTH |) |
| PLAN, |) |
| |) |
| Defendants. |) |
| | 1 |

-[PROPOSED]-ORDER APPROVING DISPOSITION OF THE REMAINING FUNDS IN THE SETTLEMENT FUND

WHEREAS, on January 23, 2015, this Court entered an Order approving the terms of the Class Action Settlement Agreement dated September 30, 2014 (the "Settlement Agreement") reached by the Plaintiffs and the Defendants in this matter (the "Parties"), which requires that the costs of administrating the Class Settlement Fund ("Settlement Fund"), including the costs incurred by KCC Class Action Services, LLC (formerly known as Gilardi & Co.) (the "Settlement Administrator"), to be paid out of the Settlement Fund;

WHEREAS, a reserve was created per this Court's February 4, 2015 Order on Distribution and Final Judgement on Class Action Settlement ("February 4 Order") to pay taxes and tax-related filing expenses out of the Settlement Fund, and as part of the February 4 Order, the Parties were instructed to inform the Court if there is any balance remaining in the Settlement Fund after six months' time and to seek approval for disposition of the remaining funds;

WHEREAS, there is now a balance of \$5,570.18 in the Settlement Fund because a 2016 tax refund requested by the Settlement Administrator was deposited into the Settlement Fund in March 2018;

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WHEREAS, although it is more than six months after the February 4 Order, the Court retained

continuing jurisdiction as to all matters relating to the Settlement Agreement, including the distribution of

funds in the Settlement Fund;

WHEREAS, the Settlement Administrator is owed \$1700 in reimbursement for the additional tax

return that was filed;

WHEREAS, the Parties agree that the remaining funds in the Settlement Fund should be given as a

cy pres award to the Pension Rights Center, a nonprofit consumer organization committed to protecting

and promoting the retirement security of American workers, retirees, and their families;

It is hereby **ORDEDRED**, **ADJUDGED AND DECREED** that:

1. The Parties' request to pay the Settlement Administrator \$1700 from the Settlement Fund is

approved;

2. The Parties' request to give the remainder of the Settlement Fund to the Pension Rights Center

is approved;

3. The Parties' request to allow the closure of the Settlement Fund after the remaining funds are

distributed is granted.

IT IS SO ORDERED.

SIGNED this

of #107, 2020.

Honorable Lee H. Rosenthal

United States District Court Judge